Remarks

Applicants hereby reply to the non-final Action mailed June 7, 2006. This response is filed within six months from June 7, 2006, and is filed with a request for extension of time. Claims 1-18 and 31-33 were pending in the application and the Examiner rejects claims 1-13, 15-18, 21-25 and 28-31.

The Examiner has allowed claims 26, 27, 32 and 33 and has indicated that claim 14 would be allowable if written in independent form. Accordingly, in the foregoing amendment, Applicants have rewritten claim 14 as new claim 34, respectively, and cancelled original claim 14. Please charge Deposit Account No. 02-4467 for the fee of $200.00 as per the cover letter. Claims 19 and 20 were previously cancelled without prejudice.

In the pending office action, Examiner indicated that the request for continued examination was eligible under 37 CFR 1.114 and the fee was proper. Accordingly, Examiner entered Applicants submission filed on March 27, 2006. Applicants respectively thank Examiner for entering the submission.

Claim Rejections -35 U.S.C. § 102(b)

The Examiner previously rejected pending claims 1, 2, 4, 7, 11 and 13 under 35 U.S.C. § 102(b) as being anticipated by Miura et al., U.S. Patent No. 5,080,023 ("Miura"). Applicants respectfully traverse.

Miura relates to "a part supplying pallet used for supplying plural parts." (Col. 1, lines 7-9). Miura's part supplying pallet is "a plate-shaped pallet member 12 of a plastic material, on which plural partition members 14... are provided" (Col. 2: lines 23-25). The partition members are specifically used "for defining storage spaces S for respectively storing plural parts A." (Col.

2: lines 25-27). Accordingly, the pallet of Miura does not comprise a plurality of compartments. Instead, it is just a pallet.

Nor does Miura disclose "a plurality of pucks, each puck structured to be removeably and automatically loaded on to the pallet **to adapt a compartment to hold a second container size**." (emphasis added) Instead, Miura discloses partition members "for defining storage spaces S."

In contrast, the present invention contains "a pallet comprising a structure defining a plurality of compartments" as well as "a plurality of pucks, each puck structured to be removeably and automatically loaded onto the pallet to adapt a compartment to hold a second size."

Accordingly, Miura does not disclose or suggest "a pallet comprising a structure defining a plurality of compartments for holding containers, each compartment of a size adapted to hold a first container size" or "a plurality of pucks, each puck structured to be removeably and automatically loaded onto the pallet to adapt a compartment to hold a second size," as similarly recited in independent claim 1.

Claims 2, 4, 7, 11, and 13 variously depend from independent claim 1 and contain all the elements therein. Therefore, Applicants respectfully submit that claims 2, 4,7, 11, and 13 are differentiated from Miura at least for the same reasons as set forth above, in addition to their own respective features.

Claim Rejections -35 U.S.C. § 103(a)

The Examiner additionally rejects claims 3, 5, 6, 8, 9, 10, 12 and 15-16 under 35 U.S.C. § 103(a) as being obvious and unpatentable over Miura in view of Lasher et al., U.S. Patent 5,771,657 ("Lasher"). Applicants respectfully traverse.

As discussed above, Miura does not teach or disclose at least "a pallet comprising a structure defining a plurality of compartments for holding containers, each compartment of a size adapted to hold a first container size" or "a plurality of pucks, each puck structured to be removeably and automatically loaded onto the pallet to adapt a compartment to hold a second size," as similarly recited in independent claim 1.

Claims 3, 5, 6, 8, 9, 10, 12, and 15-16 variously depend from independent claim 1 and contain all the elements therein. Therefore, Applicants respectfully submit that claims 3, 5, 6, 8, 9, 10, 12, and 15-16 are differentiated from Miura in view of Lasher at least for the same reasons as set forth above, in addition to their own respective features.

Claim Rejections -35 U.S.C. § 103(a)

The Examiner additionally rejects claims 17, 18, 21-25 and 28-31 under 35 U.S.C. § 103(a) as being unpatentable over Lasher in view of Levey et al., U.S. Patent 5,566,695 ("Levey") or Miura. Applicants respectfully traverse.

Levey teaches a structure configured such that it can only receive a plurality of identically-sized containers: "It is contemplated that sets of ***containers of a given size*** will be loaded onto container support trays which will be carried from one cascaded bay to the next on support rails. . . . In this manner, support trays of ***containers of a particular size and shape*** can be processed by operatively selecting the nozzle bank within the cleaning bay suitable to that particular size." (See Levey, Column 3, lines 11-23). While Levey discloses different inserts that are provided to accommodate different container sizes, each insert can only accommodate containers of a certain size. That is, as confirmed in FIGS. 1, 2, 4, and 5, Levey merely concerns the use of fixed-spacing tray inserts 29, which may be installed on the support tray 17 to accommodate groups of containers, ***all of one size***. Accordingly, a tray of Levey can either

contain only large-sized containers, only medium-sized containers, or only small-sized containers.

In fact, Levey teaches ***against*** the use of individually configured compartments to hold various desired combinations of containers at the same time, because having assorted container sizes within a cleaning bay at the same time would run counter to Levey's objective of operating a selected set of nozzle elements specifically tailored to clean a set of containers of a particular size. To this end, Levey discloses "two independently operable sets of nozzle elements . . . adapted to clean different sized containers" and "in each cleaning bay, operatively selecting a set of nozzle elements depending on the size of the set of containers being processed." (See Levey, Column 14, lines 44-55). Clearly, Levey contemplates having only a single-size set of containers in a cleaning bay at a time, so that a selected set of nozzle elements, specifically tailored to clean containers of a particular size, can be used.

Levey does not teach or suggest at least, a "a puck configuration subsystem for automatically configuring each pallet to hold a desired combination of containers of the first container size and second container size **at the same time** by inserting or removing pucks from the compartments" as similarly recited in independent claim 17 (emphasis added).

Nor does Lasher teach or disclose "a puck configuration subsystem for automatically configuring each pallet to hold a desired combination of containers of the first container size and second container size at the same time **by inserting or removing pucks from the compartments**." (emphasis added) While Lasher discloses a pallet that is configured to hold two different sized bottles at the same time (Fig. 4b). However, Lasher's pallet can only accommodate bottles having the same size diameter (col. 5, lines 7-8) . Moreover, is the pallet of Lasher is not reconfigurable. Thus, as bottles move through the conveyor system, there will be

a back-up or logjam if the number of larger or smaller diameter bottles does not conform to the pallet of Lasher. In order to rectify this logjam, the Lasher system will be forced to make inefficient runs in which not every compartment of the pallet are filled with bottles.

Moreover, if Lasher was combined with Levey, the result would be either (1) multiple pallets, each tailored to hold one specific container size, or (2) multiple pallets, each with a specific configuration relating to a possible configuration of containers to be loaded. The first option is limited in that it either will not allow for various-sized containers to be held in the same pallet at the same time (the Levey limitation, as described above). The second option would prove unbelievably cumbersome, as the number of permutations of small and large-sized containers in a 4x6 pallet are 16,777,216 (because Lasher discloses loading the bottles into the pallet in "scheduled positions" using an indexing table that loads the bottles in sequence) (col. 5, lines 57-65). As such, 16,777,216 pallets would be needed to accommodate each possible combination of small and large size bottles!

Accordingly, neither Lasher, nor Levey, nor any combination thereof teach or suggest at least: "a puck configuration subsystem for automatically configuring each pallet to hold a desired combination of containers of the first container size and second container size at the same time by inserting or removing pucks from the compartments," as similarly recited in independent claim 17.

Nor would not be obvious to combine Miura with Lasher because both Miura does not disclose "a plurality of pallets, each pallet comprising a structure defining a plurality of compartments for holding containers, each compartment of a size adapted to hold a first container size" or "a plurality of pucks, each puck configured to be temporarily inserted into a

compartment to adapt the compartment to hold a second container size," as similarly recited in independent claim 17.

Accordingly, neither Lasher, nor Miura, nor any combination thereof teach or suggest at least: "a plurality of pallets, each pallet comprising a structure defining a plurality of compartments for holding containers, each compartment of a size adapted to hold a first container size" and "a puck configuration subsystem for automatically configuring each pallet to hold a desired combination of containers of the first container size and second container size at the same time by inserting or removing pucks from the compartments," as similarly recited in independent claim 17.

Claims 18 and 21-25 variously depend from independent claim 17 and contain all the elements therein. Therefore, Applicants respectfully submit that claims 18 and 21-25 are differentiated from Lasher in view of Levey or Miura at least for the same reasons as set forth above, in addition to their own respective features.

Nor does Lasher, or Levey, or any combination thereof teach or suggest at least "a puck configuration subsystem for configuring each pallet to hold a desired combination of containers of the first container size and second container size at the same time by automatically loading and unloading pucks from the container positions," as similarly recited in independent claim 28.

As discussed above Miura does not disclose or suggest at least "a plurality of pallets, each pallet comprising a structure defining a plurality of container positions" or "a plurality of pucks of a first size, each puck structured to be temporarily retained at a container position." Accordingly, no combination of Lasher and Miura suggests or discloses at least "a. a plurality of pallets, each pallet comprising a structure defining a plurality of container positions; b. a plurality of pucks of a first size, each puck structured to be temporarily retained at a container

position" and "a puck configuration subsystem for configuring each pallet to hold a desired combination of containers of the first container size and second container size at the same time by automatically loading and unloading pucks from the container positions," as similarly recited in independent claim 28.

Nor does Lasher, or Levey, or any combination thereof teach or suggest at least "automatically loading the compartments of the pallet with containers of the first and second size, wherein containers of the first size are inserted into compartments without a puck and containers of the second size are inserted into compartments with a puck, the pallet being capable of holding containers of the first and second size at the same time," as similarly recited in independent claim 29.

Miura does not disclose or suggest at least "providing a plurality of pallets, each pallet comprising a number of compartments for holding containers of a first size" or "a plurality of pucks of a first size, each puck structured to be temporarily retained at a container position to hold a container." Accordingly, neither Lasher, or Miura, or any combination thereof teach or suggest at least: "a. providing a plurality of pallets, each pallet comprising a number of compartments for holding containers of a first size; b. a plurality of pucks of a first size, each puck structured to be temporarily retained at a container position to hold a container" and "automatically loading the compartments of the pallet with containers of the first and second size, wherein containers of the first size are inserted into compartments without a puck and containers of the second size are inserted into compartments with a puck, the pallet being capable of holding containers of the first and second size at the same time," as similarly recited in independent claim 29.

Claims 30 and 31 variously depend from independent claim 29 and contain all the elements therein. Therefore, Applicants respectfully submit that claims 30 and 31 are differentiated from Lasher in view of Levey or Miura at least for the same reasons as set forth above, in addition to their own respective features.

In view of the above remarks and amendments, Applicants respectfully submit that the pending claims properly set forth that which Applicants regard as its invention and are allowable over the cited patents. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application.

Respectfully submitted,

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